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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,985	04/08/2004	Jerry Snider	PGI6044P2581US	9038
32116	7590	07/19/2006	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			DANIELS, MATTHEW J	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,985

Applicant(s)

SNIDER ET AL.

Examiner

Matthew J. Daniels

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4 May 2006 has been entered. In this response, Claims 1 and 4 were amended. There are no new claims and no claims have been cancelled.

Claim Rejections - 35 USC § 102

2. Rejections set forth previously under this section are withdrawn in view of the amended claims which require graphically dissimilar images.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1-4, 6, 9, 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pung (WO 9925318) in view of De Leon (2002/0034914). **As to Claim 1**, Pung teaches a method of making a nonwoven cleaning article (see entire document) comprising the steps of:

a. providing a nonwoven fabric, wherein said nonwoven fabric is subject to hydraulic energy upon a three-dimensional image transfer device so as to simultaneously entangle and impart at least a first three-dimensional image and a second three-dimensional image into said fabric forming a nonwoven fabric with intercalated three-dimensional images (Page 3, line 97 to Page 5, line 173); and

b. providing a cleansing composition comprising an effective amount of a cleansing surfactant, said cleansing composition being coated onto or impregnated into said substrate to the extent of from 50% to 500% by weight of the substrate (Page 26, line 897-900).

Pung does not explicitly disclose a method in which the first three-dimensional image and second three-dimensional images are graphically dissimilar from one another and exhibit a different aesthetic attribute, the first image being intercalated immediately within the second three dimensional image.

However, De Leon teaches a method in which the first three-dimensional image and second three-dimensional images are graphically dissimilar from one another and exhibit a different aesthetic attribute, the first image being intercalated immediately within the second three dimensional image (Fig. 4, Compound Profiles, the two portions of the compound profile

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provide first and second images; additionally see Fig. 3B for first and second three-dimensional images).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of De Leon into that of Pung in order to provide profiles that can optimize fluid management (De Leon, Page 4, [0037]) and promote efficient manufacture (Page 1, [0006]). **As to Claim 2**, Pung's cleansing composition is aqueous (Page 5, line 174). **As to Claim 3**, Pung teaches a cleansing composition selected from fragrances and organic solvents (Page 25, line 858-874 and Page 24, line 852) or a combination thereof. **As to Claim 4**, Pung teaches a method of making a nonwoven cleaning article (see entire document) comprising the steps of:

a. providing a nonwoven fabric, wherein said nonwoven fabric is subject to hydraulic energy upon a three-dimensional image transfer device so as to simultaneously entangle and impart at least a first three-dimensional image and a second three-dimensional image into said fabric forming a nonwoven fabric with intercalated three-dimensional images (Page 3, line 97 to Page 5, line 173); and

b. providing a cleansing composition comprising an effective amount of a cleansing surfactant, said cleansing composition being coated onto or impregnated into said substrate to the extent of from 50% to 500% by weight of the substrate (Page 26, line 897-900).

Pung does not explicitly disclose a method in which the first three-dimensional image and second three-dimensional images are graphically dissimilar from one another and exhibit a different aesthetic attribute, the first image being intercalated immediately within the second three dimensional image.

However, De Leon teaches a method in which the first three-dimensional image and second three-dimensional images are graphically dissimilar from one another and exhibit a different aesthetic attribute, the first image being intercalated immediately within the second three dimensional image (Fig. 4, Compound Profiles, the two portions of the compound profile provide first and second images; additionally see Fig. 3B for first and second three-dimensional images).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of De Leon into that of Pung in order to provide profiles that can optimize fluid management (De Leon, Page 4, [0037]) and promote efficient manufacture (Page 1, [0006]). **As to Claim 6**, Pung teaches at least colorants (Page 25, line 868). **As to Claim 9**, Pung teaches at least paraffinic solvents (Page 24, line 852-853). **As to Claim 12**, Pung teaches at least alcohols and abrasives (Page 24, line 852 and Page 25, line 866).

4. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Pung (WO 9925318) in view of De Leon (2002/0034914), and further in view of Aszman (USPN 5108642). Pung and De Leon teach the subject matter of Claim 4 above under 35 USC 103(a). **As to Claim 5**, Pung and De Leon appear to be silent to a non-aqueous cleansing composition.

However, Aszman teaches a non-aqueous (5:18-34 and 6:51-57) cleansing composition which is applied directly to a layer of a pad (9:25-26) formed by hydroentanglement (3:49).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Aszman into that of Pung and De Leon because Pung and De Leon both teach hydroentanglement, and Aszman suggests the non-aqueous composition

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for a hydroentangled composite, and because doing so would avoid undesirable dripping of liquid cleaners having water as their solvent (Aszman 1:45-63). Pung's teachings (Page 5, lines 149-171 of WO 99/25318) also provide specific suggestion and motivation to modify the characteristics of the "patterned substrates" (Page 5, line 164), and would provide motivation to combine De Leon's method into that of Pung.

Response to Arguments

5. Applicant's arguments filed 4 May 2006 have been fully considered but they are not persuasive. The arguments appear to be on the following grounds:

a) Pung fails to teach or suggest applicants' nonwoven cleaning article, including graphically dissimilar intercalated three-dimensional images. Pung includes no illustrations or drawings.

6. These arguments are not persuasive for the following reasons:

a) Applicant's arguments appear to characterize the invention as a nonwoven cleaning article. However, the Examiner respectfully points out that the claimed invention is a *method of making* a nonwoven cleaning article. The arguments have not pointed out any *method* limitations that are not taught by the reference, and appear to be drawn only to an asserted difference in configuration of the graphical images on the surface of the article. The arguments also do not appear to particularly argue the rejection set forth previously over Pung in view of De Leon.

The Examiner asserts that a difference in configuration of the article where all method limitations are taught would be insufficient to distinguish the claimed invention from the reference to Pung under 35 USC 103(a). Additionally, Pung's failure to show drawings does not

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destroy its teachings alone or in combination with De Leon. It is also noted that same rejection over Pung and De Leon was set forth previously, and has not been particularly argued.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on Monday - Friday, 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJD 7/11/06




CHRISTINA JOHNSON
PRIMARY EXAMINER

7/14/06